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UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
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THOMAS A. O'ROURKE
BODNER & O'ROURKE
425 BROADHOLLOW ROAD
MELVILLE, NY 11747

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SEP 30 2005

OFFICE OF PETITIONS

In re Application of
Diane C. Breidenbach et al
Application No. 09/842,371
Filed: April 25, 2001
For: DUAL COSMETIC CONTAINER

DECISION ON PETITION
TO MAKE SPECIAL
37 CFR 1.102(d)

This is a decision on the petition under 37 CFR §1.102(d), filed October 28, 2004, to make the above-identified application special.

The petition requests that the above-identified application be made special as set forth in M.P.E.P. § 708.02, Section II: Infringement.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR §1.102(d) and MPEP §708.02, Section II: Infringement, must be accompanied by the required fee pursuant to 37 CFR 1.17(h) and a statement by the applicant, assignee, or attorney/agent registered to practice before the office alleging:

- (A) That there is an infringing device or product actually on the market or method in use;
- (B) That a rigid comparison of the alleged infringing device, product, or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and
- (C) That he or she has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the pertinent prior art.


Applicant must provide one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record.

The petition filed October 28, 2004 includes all of the requirements above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Wan Laymon at (571) 272-3220.

All other inquires concerning either the examination or status of the application should be directed to the Technology Center at (571) 272-3700.

This matter is being referred to the Technology Center Art Unit 3751 for expedited prosecution.

A handwritten signature in cursive script, appearing to read "David Bucci for".

David Bucci
Petitions Examiner
Office of Petitions